

FIRST REGULAR SESSION

SENATE BILL NO. 267

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Read 1st time February 6, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1409S.01I

AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 506, RSMo, is amended by adding thereto one new
2 section, to be known as section 506.600, to read as follows:

**506.600. 1. This section shall be known as the "Civil Liberties
2 Defense Act". The Missouri general assembly finds that it shall be the
3 public policy of this state to protect its citizens from the application of
4 foreign laws when the application of a foreign law will result in the
5 violation of a right guaranteed by the constitution of this state or of the
6 United States, including, but not limited to, due process, freedom of
7 religion, speech, or press, and any right of privacy.**

**8 2. The Missouri general assembly fully recognizes the right to
9 contract freely under the laws of this state, and also recognizes that
10 this right may be reasonably and rationally circumscribed pursuant to
11 the state's interest to protect and promote rights and privileges granted
12 under the United States or Missouri constitution, including, but not
13 limited to, due process, freedom of religion, speech, or press, and any
14 right of privacy.**

15 3. As used in this section, the following terms mean:

**16 (1) "Court", any court, board, administrative agency, or other
17 adjudicative or enforcement authority of this state;**

**18 (2) "Foreign law, legal code, or system", any law, legal code, or
19 system of a jurisdiction outside of any state or territory of the United**

20 States, including, but not limited to, international organizations and
21 tribunals, and applied by that jurisdiction's courts, administrative
22 bodies, or other formal or informal tribunals;

23 (3) "Religious organization", any church, seminary, synagogue,
24 temple, mosque, religious order, religious corporation, association, or
25 society, whose identity is distinctive in terms of common religious
26 creed, beliefs, doctrines, practices, or rituals, of any faith or
27 denomination, including any organization qualifying as a church or
28 religious organization under section 501(c)(3) or 501(d) of the United
29 States Internal Revenue Code.

30 4. Any court, arbitration, tribunal, or administrative agency
31 ruling or decision shall violate the public policy of this state and be
32 void and unenforceable if the court, arbitration, tribunal, or
33 administrative agency bases its rulings or decisions in the matter at
34 issue in whole or in part on any foreign law, legal code, or system that
35 would not grant the parties affected by the ruling or decision the same
36 fundamental liberties, rights, and privileges granted under the United
37 States and Missouri constitutions, including, but not limited to, due
38 process, freedom of religion, speech, or press, and any right of privacy
39 or marriage as specifically defined by the constitution of this state.

40 5. A contract or contractual provisions, if capable of segregation,
41 which provides for the choice of a law, legal code, or system to govern
42 some or all of the disputes between the parties adjudicated by a court
43 of law or by an arbitration panel arising from the contract mutually
44 agreed upon shall violate the public policy of this state and be void and
45 unenforceable if the foreign law, legal code, or system chosen includes
46 or incorporates any substantive or procedural law, as applied to the
47 dispute at issue, that would not grant the parties the same fundamental
48 liberties, rights, and privileges granted under the United States and
49 Missouri constitutions, including, but not limited to, due process,
50 freedom of religion, speech, or press, and any right of privacy as
51 specifically defined by the constitution of this state.

52 6. (1) A contract or contractual provisions, if capable of
53 segregation, which provides for a jurisdiction for purposes of granting
54 the courts or arbitration panels in personam jurisdiction over the

55 parties to adjudicate any disputes between parties arising from the
56 contract mutually agreed upon shall violate the public policy of this
57 state and be void and unenforceable if the jurisdiction chosen includes
58 any foreign law, legal code, or system, as applied to the dispute at
59 issue, that would not grant the parties the same fundamental liberties,
60 rights, and privileges granted under the United States and Missouri
61 constitutions, including, but not limited to, due process, freedom of
62 religion, speech, or press, and any right of privacy as specifically
63 defined by the constitution of this state;

64 (2) If a resident of this state, subject to personal jurisdiction in
65 this state, seeks to maintain litigation, arbitration, agency, or similarly
66 binding proceedings in this state and if the courts of this state find that
67 granting a claim of forum non conveniens or a related claim violates or
68 would likely violate the fundamental liberties, rights, and privileges
69 granted under the United States and Missouri constitutions of the
70 nonclaimant in the foreign forum with respect to the matter in dispute,
71 then it is the public policy of this state that the claim shall be denied.

72 7. Without prejudice to any legal right, this act shall not apply
73 to a corporation, partnership, limited liability company, business
74 association, or other legal entity that contracts to subject itself to
75 foreign law in a jurisdiction other than this state or the United States.

76 8. No court or arbitrator shall interpret this act to limit the right
77 of any person to the free exercise of religion as guaranteed by the First
78 Amendment to the United States constitution and by the constitution
79 of this state. No court shall interpret this act to require or authorize
80 any court to adjudicate, or prohibit any religious organization from
81 adjudicating, ecclesiastical matters, including, but not limited to, the
82 election, appointment, calling, dismissal, removal, or excommunication
83 of a member, officer, official, priest, nun, monk, pastor, rabbi, imam, or
84 member of the clergy, of the religious organization, or determination
85 or interpretation of the doctrine of the religious organization, where
86 adjudication by a court would violate the prohibition of the
87 establishment clause of the First Amendment of the United States, or
88 violate the constitution of this state.

89 9. This section shall not be interpreted by any court to conflict

90 with any federal treaty or other international agreement to which the
91 United States is a party to the extent that such treaty or international
92 agreement preempts or is superior to state law on the matter at issue.

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Unofficial

Bill

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